IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

Crl.MC.No. 1084 of 2007()

Cr.No.15/06 of CHOKLI POLICE STATION
C.P.79/06 OF J.F.M.C THALASSERY

PETITIONER: 5TH ACCUSED

V.M.VIJEESH, VATTAPARAMBATH METHAL HOUSE, MEKKUNNU P.O., KANNUR DISTRICT.

BY ADV. SRI.CIBI THOMAS

RESPONDENTS: COMPLAINANT & STATE

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1. THE S.I. OF POLICE,M CHOKLI POLICE STATION, KANNUR DISTRICT.

2. STATE REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 02/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.NO.1084 OF 2007

Dated this the 3rd day of April, 2007.

ORDER

The short grievance of the petitioner is that though he was abroad, his passport shows that convincingly, he has been arrayed as an accused in respect of an offence committed in India while he was abroad. His passport would vouch for his presence abroad at the relevant time, submits the learned counsel for the petitioner. The petitioner finds a warrant of arrest issued by the learned Magistrate chasing him. The petitioner has come to this Court to quash the proceedings initiated against him under Section 482 Cr.P.C.

2. The learned counsel for the petitioner submits that interim direction may be issued to keep the non bailable warrant issued against the petitioner in abeyance till the next date of posting. I find no reason to issue any such direction. Needles to say that the petitioner can appear before the learned Magistrate and apply for bail. If he so appears and applies for bail, needles to say that the learned Magistrate must pass appropriate orders on merits, in accordance with law and expeditiously. I have no reason to assume that the learned Magistrate would not consider

the petitioner's application for regular bail on merits in accordance with law and expeditiously. No special or specific directions appear to be necessary. Every court must do the same. Sufficient general directions on this aspect have already been issued in the decision reported in **Alice George v. Deputy Superintendent of Police** [2003(1) KLT 339].

3. In the result, this Crl.M.C is dismissed, but with the observation that if the petitioner surrenders before the learned Magistrate and seeks bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

4. Hand over a copy of this order to the learned counsel for the petitioner.

R.BASANT
JUDGE

rtr/